



FAX TRANSMITTAL
OREGON DEPARTMENT OF FISH AND WILDLIFE
Director's Office
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Salem, Oregon 97303
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From:	<i>Roy Ellicker</i>	Fax:	503.947.6042
Date:	<i>3/14/06</i>	Time:	<i>4:15 pm</i>
		Number of pages (excluding cover)	_____
To:		Company/Location	Fax Number
	<i>Kemper McMaster</i>	<i>USFWS</i>	<i>(503) 231-6195</i>

Comments/Instructions:

*Letter to Dave Allen - call if you
have any questions. Roy*



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

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March 14, 2006

Mr. Dave Allen, Pacific Region Director
U.S. Fish and Wildlife Service
Eastside Federal Complex
911 NE 11th Ave.
Portland, OR 97232-4181



Dear Mr. Allen:

The purpose of this letter is to request a permit under Section 10(a)1(A) of the Federal Endangered Species Act (ESA) to enhance conservation of gray wolves in Oregon. The agency's proposed activities are outlined in the attached 10(a)1(A) permit application. We also describe in this letter those actions that will be conducted under our existing Section 6 Cooperative Agreement. The Oregon Wolf Conservation and Management Plan (enclosed) provides for transparent, consistent decision making within the confines of the 10(a) 1(A) permit and Section 6 regulations.

In general, we are requesting authority to use harassment and lethal control for responding to wolf-related threats to human safety and livestock. Specifically we seek the following:

- The Oregon Department of Fish and Wildlife (ODFW) is requesting that U.S. Fish and Wildlife Service (USFWS) authorize Oregon to implement its wolf plan to the extent possible under current federal regulatory authorities.

ODFW would implement those provisions of the Oregon Wolf Conservation and Management Plan that are consistent with these Federal authorities. The Oregon Wolf Plan underwent extensive public review and comment as well as a review by the Oregon Wolf Technical Committee, a group that included three wolf scientists, two wolf management experts, and a professional economist.

ODFW has an approved ESA Section 6 cooperative agreement from the USFWS and many of the non-lethal forms of take for managing gray wolves called for in the Oregon Wolf Conservation and Management Plan are already authorized that agreement and under 50 CFR 17.21. We understand that under this regulatory authority, we are currently authorized to conduct actions that would not reasonably be expected to cause permanent disabling or death to a wolf, would not remove any wolves from Oregon and would not hold a wolf in captivity for a period of more than 45 consecutive days. Specifically we proposed to conduct the following actions under the existing Section 6 cooperative agreement and authority provided under 50 CFR 17.21:

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Harassment

Harassment may be used to frighten gray wolves away from human habitation and/or livestock concentrations per discussions in the Oregon Wolf Conservation Plan, Chapter II, pages 41-45. Such actions would include firing gunshots into the air, making loud noises, use of rubber bullets or bean bag projectile, radio-activated guard devices and shooting cracker shells. Harassment measures would be implemented when:

- persistent wolf activity or wolf depredation on livestock has been confirmed
- a wolf has lost its fear of humans
- a wolf approaches a human residence
- a wolf is in the act of harassing, attempting to harass or in close proximity to livestock

These forms of harassment are limited to actions that are not expected to cause permanent disabling or death, or actions not expected to cause any physical damage, respectively. Therefore, these forms of take of endangered wildlife are available to the State "conservation agency" under 50 CFR 17.21(c)(5) without requiring a permit from the USFWS. Furthermore, 50 CFR 17.21(c)(5) indicates that the State may delegate these take authorities to their "agent" without a Federal permit. We may designate Wildlife Services as our agent to conduct wolf harassment actions. However, at this time, we are not proposing to delegate harassment authorities to any other agents.

Monitoring

ODFW will track, survey, monitor, and capture wolves through a wide variety of standard wildlife capture techniques such as utilizing foothold traps, aerial net gunning and aerial darting. In addition, we will obtain biological samples, ear-tag, radio-collar, temporarily hold, and release wolves. Monitoring will be used to assess movements, determine pack home range, document reproduction, determine proximity of wolves to know livestock operations, and assess the population status. The Oregon Wolf Conservation and Management Plan proposed an extensive wolf monitoring program during Population Phases I, II, and III (Chapter II, pages 30-32).

Relocation

ODFW may utilize relocation when a wolf or wolves become inadvertently involved in a situation or are present in an area that could result in conflict with humans or harm to the wolf. The Oregon Wolf Conservation and Management Plan summarizes when relocation of a wolf is an appropriate action (Chapter II, page 42). For such actions to occur, three criteria must be met:

- The action must be conducted by state personnel only
- Wolves will be relocated to the nearest wilderness area at the direction of ODFW
- The action must be taken to prevent conflict with humans or reduce the possibility of harm to the wolf.

Human Safety

We also note that a permit is not needed to respond to wolf-related threats to human safety. The Code of Federal Regulations of 50 CFR 17.21(C)(2) provides that "any person may take

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endangered wildlife in defense of his own life of the lives of others". Additionally, 50 CFR(c)(3)(iv) provides the USFWS, federal land management agencies, and state conservation agencies the authority to take endangered wildlife where necessary to "remove specimens which constitute a demonstrable but non-immediate threat to human safety..." under certain specified conditions.

We intend to work closely with the USFWS for all wolf management actions authorized under the Section 6 regulations, and any actions authorized under a Section 10(a)(1)(A) permit. The Oregon Wolf Plan provides a sound management framework for conserving and enhancing the survival of the gray wolf, and could serve as a model for Federal and State interagency guidelines for wolf conservation and management in Oregon. We will work cooperatively with USFWS and Wildlife Services to resolve wolf/livestock conflicts while removing only the minimum number of wolves, thus ensuring the conservation of the species while minimizing conflicts with livestock. We will always attempt to contact the appropriate Service staff and/or managers when deliberating wolf management decisions, however, to ensure that management decisions are made promptly and efficiently, we request that ability to make field decisions if Service staff and/or managers are not available.

The Oregon Wolf Conservation and Management Plan was amended by the Oregon Fish and Wildlife Commission upon adjournment of the 2005 Oregon Legislature. That amendment did not change the substance of the Plan, but instead moved certain items to an appendix as noted in the plan. A copy of the final version of the Plan is enclosed.

We believe that implementation of the Plan is important for the long-term conservation and management of the gray wolf in Oregon because it encourages human tolerance for wolves and allows distribution of wolves across a significant portion of their former range. Wolf management conducted under the Section 6 cooperative agreement and a 10(a)(1)(A) permit would allow for the establishment of a naturally reproducing wolf population within Oregon connected to the larger source population of wolves in Idaho. We believe that our permit application should be approved so that we may further promote social tolerance for wolves by effectively and responsibly addressing conflict with competing human values while providing for long-term wolf conservation.

Sincerely,



Roy Elicker, Interim Director
Oregon Department of Fish and Wildlife

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APPLICATION FOR A NEW FEDERAL RECOVERY PERMIT

Text in bold corresponds to items identified on form-3-200-55

A. IDENTIFY SPECIES AND ACTIVITY

A.1.a. **Provide the common and scientific names of the species being requested for coverage in the permit and their status (endangered or threatened).**

Gray wolf (*Canis lupus*): endangered

A.1.b. **Provide the number, age, and sex of such species to the extent known.**

Approximately 835 wolves (110) packs have been documented in the Northern Rocky Mountain Recovery Area, which includes portions of the states of Idaho, Montana, and Wyoming (USFWS et al. 2004). Three gray wolves have been verified in Oregon since 1999, however no wolves are currently known to be present in the state. Wolf experts predict that wolves will continue to enter Oregon and eventually establish a breeding population.

A.1.c. **Identify the activity sought to be authorized for each species.**

Activities:

The Oregon Department of Fish and Wildlife requests authority to:

1. Conduct lethal control of wolves involved in confirmed depredations of livestock or are involved in chronic depredation situations (i.e., two confirmed depredations, or one depredation followed by up to three attempted depredations (testing or stalking). Only ODFW personnel or their authorized agents would be allowed to lethally take wolves while federally listed as endangered.
2. Conduct non-injurious and/or non-lethal injurious harassment of wolves involved livestock depredation or persistent wolf activity near livestock (including wolves in the act of harassing, attempting to harass or in close proximity to livestock). The Oregon Wolf Conservation and Management Plan discusses harassment options in Chapter II, pages 41-45.

B. IDENTIFY LOCATION OF PROPOSED ACTIVITY

B.1. **Provide the name of the State, county, and specific location of the proposed activity site(s).**

State of Oregon

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B.2. No specific study known at this time however, proposed activities are more likely to occur in northeastern Oregon counties in the foreseeable future given the proximity to the Idaho wolf population.

B.3. Not applicable

C. DESCRIBE THE PROPOSED ACTIVITY

C.1. see below

C.2. Describe in detail the purpose(s) and objective of the project.

The purpose of the proposed activities is to:

- Establish a naturally reproducing wolf population in suitable habitat within Oregon, connected to a larger source population of wolves in Idaho, which allows for expansion into other areas of the state. The Oregon Wolf Conservation and Management Plan identifies the goal of the plan to "ensure the conservation of gray wolves as required by Oregon law while protecting the social and economic interests of all Oregonians." (Introduction, page 2).
- Promote social tolerance of wolves by effectively and responsibly addressing conflict with competing human values through the use of management measures consistent with long-term wolf conservation in all phases of wolf management status under the Oregon Wolf Plan (Chapter II, page 16).

C.1.a.i. Include study design, sampling methodologies and equipment to be used.

ODFW will first implement proactive strategies and conduct non-lethal control actions to reduce and/or resolve wolf-livestock conflicts and human safety concerns. As specified in the Oregon Wolf Plan, lethal control measures will be more restricted when there are fewer wolf packs in the State (Chapter III, pages 45-46).

If efforts to use non-lethal techniques of wolves are unsuccessful and depredations continue, ODFW employees may conduct lethal control of wolves in the course of their official duties without prior verbal or written authorization of the Service under the conditions specified below.

- the evidence at the scene is examined and agency officials have determined that the livestock depredation was likely caused by a gray wolf
- depredation is likely to be repeated at the site
- livestock were legally present at that site

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- non-lethal techniques have been demonstrated to not be effective and are no longer appropriate, relocation efforts were not successful, or the particular wolves are not suitable for relocation
- reasonable efforts were made to contact the FWS, but circumstances in the field require an immediate decision by ODFW
- the taking must be performed in a humane manner
- young of the year taken before October 1 and any lactating females should be released or relocated rather than killed.
- Chronically depredating wolves (2 confirmed depredations, or one depredation followed by up to 3 attempted depredations (testing or stalking)
- ODFW may direct the field work of USDA Wildlife Services when non-lethal or lethal control is warranted as long as such decisions are within guidelines established by this permit. (Chapter III, pages 45-46)

All lethal control will be reported to the FWS within 24 hours and will be investigated by the U.S. Fish and Wildlife Service law enforcement agents (Chapter III, pages 42-43).

Wolves inadvertently involved in situations or are present in an area that could result in conflict with humans or harm the wolf may be live captured and relocated to the nearest wilderness area (Chapter II, pages 24-25). For such action to occur, three criteria must be met:

- The action must be conducted by state personnel only.
- Wolves will be relocated to the nearest wilderness area at the direction of ODFW.
- The action must be taken to prevent conflict with humans or to reduce the possibility of harm to the wolf.

C.1.a.ii. Identify any null hypothesis or other anticipated results from the project that will support the reasoning why the project is justified for enhancement of propagation or survival of the affected species.

The Oregon Wolf Conservation and Management Plan, approved by the Oregon Fish and Wildlife Commission in December 2005, describes the methods and procedures to protect wolves so the species can be de-listed in the state and self sustaining populations can persist.

C.1.a.iii. Include planned disposition of specimens upon completion of project.

The disposition of specimens and specimen samples will follow direction from the USFWS.

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C.1.b. Describe how the proposal will help recover each species.

The Oregon Wolf Conservation and Management Plan focuses on methods and procedures to protect wolves in the early stages of implementation so that the species can be state delisted and a self-sustaining population persists. The criteria for delisting come from the Fish and Wildlife Commission's administrative rules and Oregon Revised Statutes (Chapter II, page 15). They require the Commission to make the following determinations for delisting to occur:

- The species is not (and is not likely in the foreseeable future to be) in danger of extinction in any significant portion of its range in Oregon or in danger of becoming endangered; and
- The species' natural reproductive potential is not in danger of failure due to limited population numbers, disease, predation, or other natural or human-related factors affecting its continued existence; and
- Most populations are not undergoing imminent or active deterioration of range or primary habitat; and
- Over-utilization of the species or its habitat for commercial, recreational, scientific, or educational purposes is not occurring or likely to occur; and
- Existing state or federal programs or regulations are adequate to protect the species and its habitat.

These determinations must be based upon verifiable, scientific information.

All of the wolf conservation goals and strategies in the Oregon Wolf Plan rely on controlling problem wolves to reduce economic and social impacts to landowners and livestock producers and for the long-term benefit of the species.

C.1.b.i Not applicable

C.1.b.ii. Not applicable

C.1.b.iii. Not applicable

C.1.b.iv. Not applicable

C.1.c. Can this project result in the injury, death, or removal from the wild of any individuals of the species?

Yes

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C.1.c.i. If yes, describe all that apply (i.e., injury, death, removal from the wild).

Injury or death could occur due to some of the proposed management actions. Live animals would not be removed from the wild.

C.1.c.ii. For each species, please state the maximum number of individuals that would be injured, killed, or removed from the wild: [If applicable, please identify, based on a reasonable expectation, the number of individuals likely to be killed per activity.]

Lethal control of wolves would be minimized to the extent possible, based on direction in the Oregon Wolf Conservation and Management Plan. Livestock depredation situations, particularly chronic depredations, would be the most likely activities that would result in the death of a gray wolf or wolves. Activities related to live capture, radio-collaring and monitoring activities represent low risk of mortality for gray wolves.

C.1.c.iii. Please state what will be done to minimize the possibility of injury to or death of individuals.

1. All personnel making field evaluations to determine whether an incident constitutes a verified wolf depredation event will have undergone appropriate depredation training provided by ODFW, Wildlife Services or USFWS.
2. Agency personnel or agents will follow the most standard wolf capture and handling protocols to ensure risk of incidental injury or death is minimized to the fullest extent.
3. Personnel trapping wolves will be properly trained in chemical immobilization, trapping, medical treatment, and other wolf handling procedures.
4. ODFW will encourage livestock producers to employ non-lethal techniques initially to prevent wolf-related depredation situations.

C.1.d.i. If the proposed activity would cause the death of individuals from the wild or remove individuals from the wild, describe your attempts to obtain the wildlife or plants specimens currently held in captivity/nurseries/museums, or produced in captivity. You must demonstrate conclusively that existing specimens are unavailable or your study objectives require new/additional specimens. [Provide the identity and phone number of each contact made in this regard.]

The purpose of the proposed action is to further wolf recovery and ensure population persistence through removal of individual wild wolves showing

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problem behavior. This purpose cannot be achieved through acquisition of captive specimens. Reintroduction of wolves from outside the state is not allowed under the Oregon Wolf Conservation and Management Plan.

- C.1.d.i. State whether full funding will be available for the completion of the proposed activity. [If you do not hold a contract at this time, but foresee receiving one, you may apply for a permit contingent upon receiving the contract(s).]**

Full funding from State and Federal sources, will be available for conducting the proposed activities.

- C.1.e. Not applicable.**

D. IDENTIFY THE PERSONS WHO WILL CONDUCT THE PROPOSED ACTIVITY:

- D.1. Provide the full name of all individuals, including first name, middle initial, and last name, who you propose will work under this permit.**

Craig Ely, Northeast Regional Manager
Oregon Department of Fish and Wildlife

The following list ODFW Northeast Region Wildlife personnel working under the supervision of the person named above:

State wolf biologist (vacant), La Grande, OR
Leonard Erickson, District Wildlife Biologist, LaGrande, OR
Jim Cadwell, Assistant District Wildlife Biologist, LaGrande, OR
Vic Coggins, District Biologist, Enterprise, OR
Pat Matthews, Assistant District Wildlife Biologist, Enterprise, OR
George Keister, District Wildlife Biologist, Baker City, OR
Ryan Torland, Assistant District Wildlife Biologist, Baker City, OR
Mark Kirsch, District Wildlife Biologist, Pendleton, OR
Greg Rimbach, Assistant District Wildlife Biologist, Pendleton, OR
Darrin Brunning, District Wildlife Biologist, John Day, OR
Greg Jackle, Assistant District Wildlife Biologist, John Day, OR
Russ Morgan, District Wildlife Biologist, Heppner, OR
Steve Cherry, Assistant District Wildlife Biologist, Heppner, OR
Bruce Johnson, Wildlife Research Biologist, LaGrande, OR
Jon Paustian, Wildlife Biologist, LaGrande, OR
Hans Hayden, Habitat Technician, LaGrande, OR

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- D.1.a. If more than one activity is included in the permit application, indicate which activity (ies) will be completed by each individual.**

All individuals working under the permit will potentially conduct all activities outlined under A.1.c.

- D.1.b. For each listed individual, please also provide a copy of each person's resume and/or curriculum vitae, plus specific information on previous professional experience working with the species affected by the permit request. Information should include: the approximate number of hours of focused activity with each species in occupied habitat; approximate number of each species the applicant has worked with at each site (e.g., how many pair of birds at a specific site); names, dates, and location of areas surveyed; and experience with similar species. Please provide the names and phone numbers of at least two references who can verify experience with the species (reference letters are always appreciated).**

Curricula vitae and other specific information on the persons named under D.1 will be made available upon request from the USFWS.

E. IDENTIFY THE LOCATIONS OF THE AFFECTED SPECIES

- E.1.a-c. For each species indicate whether, at the time of application, the organism was: still in the wild; had been removed from the wild (provide State, county, and specific location of removal); and was born in captivity or artificially propagated (provide State, county, specific location, and name of the institution where born or propagated).**

All wolves relevant to this permit application are in the wild.

- E.2. Not applicable**

F. IDENTIFY OTHER PERMITS REQUIRED

- F.1. List any additional valid permits currently held or other permits needed for the proposed activities (i.e., permission to work on Federal lands, Federal bird banding permit, Corps of Engineers permits, Environmental Protection Agency NPDES permits, State, county, or local permits, etc.).**

No additional permits are needed.

- F.2. Not applicable**

- F.3. Not applicable**

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References:

Oregon Department of Fish and Wildlife. December 2005. Oregon Wolf Conservation and Management Plan. Salem, Oregon. 178 pp.

U.S. Fish and Wildlife Service, Nez Perce Tribe, National Park Service, Montana Fish, Wildlife and Parks, Idaho Fish and Game, and USDA Wildlife Services. 2005. Rocky Mountain Wolf Recovery 2004 Annual Report. D. Boyd, ed. USFWS, Ecological Services, 100 N Park, Suite 320, Helena, MT. 72 pp.



Department of the Interior
U.S. Fish and Wildlife Service
Federal Fish and Wildlife Permit Application Form

Expires September 30, 2007
OMB No. 1018-0094

Return to: [Click here for addresses](#)

Type of Activity:

Endangered Species - USFWS
911 N.E. 11th Avenue
Portland, OR 97232-4181

**Native Endangered & Threatened Species –
Scientific Purposes, Enhancement of Propagation or Survival Permits
(i.e., Recovery Permits) and Interstate Commerce Permits**

Complete sections A, OR B, and C, on this page, plus the attached pages of this application. Application will not be considered complete without all sections. See additional instructions on attached pages.

A.		Complete if applying as an individual			
1.a. Last name		1.b. First name		1.c. Middle name or initial	1.d. Suffix
2.a. Street address (line 1)		2.b. Street address (line 2)		2.c. Street address (line 3)	
3.a. City		3.b. Province	3.c. State	3.d. Zip code/Postal code:	3.e. Country
4. Date of birth (mm/dd/yyyy)	5. Social Security No.		6. Occupation		7.a. Home telephone number
7.b. Work telephone number	7.c. Fax number		8. E-mail address		9. County
10. List any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by this permit (see C.1.)				11. Doing business as (dba)	

B.		Complete if applying as a business, corporation, public agency or institution			
1.a. Name of business, agency, or institution Oregon Department of Fish and Wildlife		1.b. Doing business as (dba)			
2.a. Street address (line 1) 3406		2.b. Street address (line 2)		2.c. Street address (line 3)	
3.a. City Salem		3.b. Province	3.c. State OR	3.d. Zip code 97303	3.e. Country USA
4. Tax identification no. 93-0655103		5. Describe the type of business, agency, or institution and provide state of incorporation State of Oregon natural resource agency			
6.a. Principal officer (President, director, etc) Last name Ellicker		6.b. First name Roy		6.c. Middle name or initial	6.d. Suffix Mr.
7. Principal officer title: Acting Director				8. Home telephone number	
9. Work telephone number 503-947-6044		10. Fax number 503-947-6042		11. E-mail address roy.ellicker@state.or.us	
				12. County Marion	

C.		All applicants complete	
1. Do you currently have or have you had any Federal Fish and Wildlife permits? (For simplification, all licenses, permits, registrations, and certificates will be referred to as a permit.) Yes <input checked="" type="checkbox"/> If yes, list the number of the most current permit you have held: <u>Banding permit 06500</u> No <input type="checkbox"/>			
2. Have you obtained all required State, Federal, or foreign government approval(s) to conduct the activity you propose? Yes <input checked="" type="checkbox"/> If yes, provide a copy of the approval(s). Have applied <input type="checkbox"/> Not required <input type="checkbox"/>			
3. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$100 for a new permit/to renew an existing permit, or \$50 to make substantive amendments to an existing permit [50 CFR 13.11(d)(3)]. The attached pages provide information on who is exempt from paying the fee. <u>Note: ODFW Exempt from Permit Payment</u>			
4. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter 1 of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.			
5. Signature (in blue ink) of applicant/person responsible for permit in Section A, or B. (no photocopied/stamped signatures) 			6. Date (mm/dd/yyyy): <u>3/14/06</u>